

# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name** BAKER, HOWARD: FILES

**Withdrawer**

CAS 7/21/2010

**File Folder** INF AGREEMENT MATERIALS (2)

**FOIA**

M09-301

**Box Number** 2

HERF

7

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
94998	CABLE	192009Z MAR 87 <b>R 3/17/2006 NLRRF97-066/6 #27</b>	8	3/19/1987	B1
94999	MEMO	RHETT DAWSON TO BAKER AND COLIN POWELL RE MEETING WITH SENATOR TOWER <b>R 5/2/2011 M301/1</b>	1	2/29/1988	B1
95001	PAPER	RE INF RATIFICATION GAMEPLAN 4-26 JANUARY <b>R 7/22/2010 GUIDELINES</b>	1	12/31/1987	B1
95004	MEMO	RHETT DAWSON ET AL TO CHIEF OF STAFF RE INF: SHULTZ-BYRD SIDE LETTER (ITEM STILL UNDER REVIEW UNDER THE PROVISIONS OF EO 13233)	2	ND	
95002	MEMO	ARTHUR B. CULVAHOUSE TO CHIEF OF STAFF ET AL RE STATE/SENATE ACCORD ON INF TREATY RATIFICATION <b>R 2/2/2012 F1997-066/6</b>	3	1/11/1988	B1
95003	POLICY PAPER	RE ROLE OF THE SENATE IN INF TREATY RATIFICATION <b>R 3/17/2006 NLRRF97-066/6 #31</b>	3	ND	B1
95005	POLICY PAPER	RE COMMENTS ON THE PROPOSED ACCORD <b>R 3/17/2006 NLRRF97-066/6 #32</b>	3	ND	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

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ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
95006	POLICY PAPER	RE ALTERNATIVE TEXT FOR PROPOSED ACCORD <i>R 3/17/2006 NLRRF97-066/6 #33</i>	2	ND	B1
95007	POLICY PAPER	RE PROPOSED REVISIONS OF PROPOSED ACCORD <i>R 3/17/2006 NLRRF97-066/6 #34</i>	2	ND	B1

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**Collection:** Baker, Howard H. Jr.: Files  
**OA/Box:** Box 2  
**File Folder:** INF [Intermediate-Range Nuclear Forces]  
 Agreement Materials (2)

**Archivist:** kdb  
**FOIA ID:** F1997-066/6, D. Cohen  
**Date:** 08/04/2004

DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. cable 94998	192009Z MAR 87- 8p R 3/17/06 (w/NOTATIONS) F97-066/6 #27	3/19/87	B1
2. memo 94999	Rhett Dawson to H. Baker and Colin Powell re meeting with Sen. Tower, 1p	2/29/88	B1
3. list 95001	re INF ratification gameplan, 1p Guidelines	12/31/87	B1
4. memo (0568) 95004	R. Dawson and John Negoponte to Chief of Staff re INF: Shultz-Byrd side letter, 2p [Item is still under review under the provisions of EO 13233]	n.d.	
5. memo (0138) 95002	Arthur Culvahouse and Nicholas Rostow to Chief of Staff and C. Powell re State/Senate accord on INF Treaty ratification, 3p R 2/2/12 F97-066/6 #30	1/11/88	B1
6. policy paper 95003	Role of the Senate in INF Treaty Ratification, 3p R 3/17/06 F97-066/6 #31	n.d.	B1
7. policy paper 95005	Comments on the Proposed Accord, 3p R " " #32	n.d.	B1
8. policy paper 95006	Alternative Text for Proposed Accord, 2p R " " #33	n.d.	B1
9. policy paper 95007	Proposed Revisions of Proposed Accord, 2p R " " #34	n.d.	B1

### RESTRICTIONS

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- B-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
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- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- B-7a Release could reasonably be expected to interfere with enforcement proceedings [(b)(7)(A) of the FOIA].
- B-7b Release would deprive an individual of the right to a fair trial or impartial adjudication [(b)(7)(B) of the FOIA].
- B-7c Release could reasonably be expected to cause unwarranted invasion or privacy [(b)(7)(C) of the FOIA].
- B-7d Release could reasonably be expected to disclose the identity of a confidential source [(b)(7)(D) of the FOIA].
- B-7e Release would disclose techniques or procedures for law enforcement investigations or prosecutions or would disclose guidelines which could reasonably be expected to risk circumvention of the law [(b)(7)(E) of the FOIA].
- B-7f Release could reasonably be expected to endanger the life or physical safety of any individual [(b)(7)(F) of the FOIA].
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TRANSFER SHEET

PRESERVATION

COLLECTION ✓

FROM:

Collection Baker, Howard H. Jr.: Files

Series I. Subject File

File Folder Title Ross Perot

Box Number 4

Description of Material:

Cable: 192009Z MAR 87

TO:

Collection: Baker, Howard H. Jr.: Files

Series: I. Subject File

File Folder Title: INF Agreement Materials (2)

Box Number: 2

Transferred by: KELLY D. BARTON

Date: 12/4/02



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## WHITE HOUSE SITUATION ROOM

PAGE 01 OF 08

PRT: CARLUCCI

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<PREC? IMMEDIATE <CLAS? ~~CONFIDENTIAL~~ <DTG? 192009Z MAR 87

FM AMEMBASSY PARIS

TO RUEHC/SECSTATE WASHDC IMMEDIATE 1249  
INFO RUFGV/USDEL NST GENEVA IMMEDIATE 0159  
RUFHNA/USMISSION USNATO IMMEDIATE 1772

~~CONFIDENTIAL~~ SECTION 01 OF 04 PARIS 14325

EXDIS

FOR THE SECRETARY AND ASSISTANT SECRETARIES RIDGWAY AND  
HOLMES FROM CHARGE BARRACLOUGH; SUGGEST DEPARTMENT PASS  
SECDEF AND NSC

E.O. 12356: DECL: OADR

TAGS: PREL, MNUC, NATO, FR

SUBJECT: THE CHIRAC VISIT AND INF

REF: A) PARIS 12655, B) PARIS 13154, C) PARIS 11830, D)  
PARIS 12693, E) PARIS 12658, F) PARIS 11165, G) PARIS  
11772, H) 86 PARIS 8718, I) PARIS 11797, J) PARIS 11798

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

?BEGIN SUMMARY?

2. SUMMARY: INF WILL BE A MAJOR PRIORITY FOR PM CHIRAC  
IN WASHINGTON. HE HAS JOINED MITTERRAND IN A MODERATE  
PUBLIC STANCE BUT HAS SERIOUS RESERVATIONS ON THE Ø  
OPTION. LARGELY RESIGNED TO A U.S.-SOVIET ACCORD, HE  
WILL EXPRESS IDEAS ON HIS MAIN WORRIES; DECOUPLING,  
SRINF, THE GERMAN FACTOR, AND DENUCLEARIZATION. WE CAN  
USEFULLY REVIEW WESTERN POLITICAL AND MILITARY  
ADVANTAGES, AND REASSURE ON DECOUPLING. CHIRAC WILL  
HAVE OTHER SPECIFIC GOALS, INCLUDING SEEKING PUBLIC U.S.  
STATEMENT OR PRIVATE ASSURANCES ON, FOR EXAMPLE:

- U.S. INTENT TO MAINTAIN NUCLEAR FORCES IN EUROPE;
- NOT INCLUDING FRENCH NUCLEAR FORCES IN NEGOTIATIONS;
- AVOIDING A SECOND Ø OPTION ON SRINF;

DECLASSIFIED

NLS F97-066/6 #27

BY LOJ NARA, DATE 3/17/06

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## WHITE HOUSE SITUATION ROOM

PAGE 02 OF 08

- MAINTAINING U.S. TROOPS AND MIL ASSETS IN EUROPE;
- SUPPORT FOR AN ACTIVE WEU AND CHIRAC'S INITIATIVE FOR A WEU SECURITY CHARTER.

A FEW OF THESE IDEAS FOR STATEMENTS OR UNDERSTANDINGS HAVE MERIT, AND COULD HELP IN GETTING USEFUL QUIDS:

- O CHIRAC COMMITMENT TO CONTINUE PURSUING INF AND EAST-WEST RESERVATIONS BILATERALLY RATHER THAN IN PUBLIC;
- O AGREEMENT ON COMPLEMENTARY FRENCH DIPLOMATIC EFFORTS (E.G., SPANISH BASES), AND HELPFUL PUBLIC POSITIONS;
- O FRENCH AGREEMENT TO GROUND RULES ON HOW WEU CAN HELP STIMULATE EUROPEAN DEFENSE EFFORTS WITHOUT DETRACTING FROM NATO DECISION-MAKING OR STEPPING ON U.S. TOES.

THE CHIRAC VISIT IS A CHANCE TO IMPROVE GOF UNDERSTANDING OF OUR EAST-WEST APPROACH, TO REASSURE HIM ON OUR COMMITMENT TO EUROPE, TO CONSIDER STATEMENTS WHICH COULD BE USEFUL TO BOTH SIDES, AND TO SEEK HIS AGREEMENT ON QUIDS. END SUMMARY.

?END SUMMARY?

3. AS THE PRIME MINISTER MADE CLEAR IN HIS LUNCH WITH AMBASSADOR RODGERS (REF A), INF AND EAST-WEST ARMS

CONTROL WILL BE A TOP PRIORITY FOR JACQUES CHIRAC'S WASHINGTON VISIT. CONTACTS IN THE PRIME MINISTRY AND QUAI HAVE CONFIRMED THIS PRIORITY AND DISCUSSED WITH US CHIRAC'S THINKING. THIS MESSAGE CONVEYS OUR VIEWS ON WHAT CHIRAC HOPES TO GET OUT OF HIS VISIT ON INF, AND HOW WE CAN MAXIMIZE OUR INTERESTS IN EXCHANGES WITH HIM. CHIRAC'S INF POSITION REVISITED

- 
4. CHIRAC HAS PUBLICLY COMPROMISED WITH PRESIDENT MITTERRAND ON A MODERATE LINE TOWARDS INF, I.E., SINCERE INTEREST IN A U.S.-SOVIET AGREEMENT WHICH IS "BALANCED, SIMULTANEOUS AND VERIFIABLE." AS THE PM EXPLAINS, THIS CONVERGENCE WAS NECESSARY TO AVOID A DOMESTIC POLITICAL DEBATE WHICH WOULD A) DISRUPT THE FRENCH DEFENSE CONSENSUS, AND B) CREATE A SPLIT WITH THE GERMANS AND

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## WHITE HOUSE SITUATION ROOM

PAGE 03 OF 08

OTHER EUROPEANS WHO PUBLICLY FAVOR A 0 OPTION.

5. PRIVATELY, CHIRAC HAS SERIOUS RESERVATIONS ABOUT THE 0 OPTION (AS DO MOST FRENCH POLITICIANS AND STRATEGISTS). THE MAIN WORRIES ARE THAT:

- REMOVAL OF THE ONLY U.S. MISSILES IN EUROPE CAPABLE OF STRIKING THE USSR WOULD BE DECOUPLING;
- THE 0 OPTION WILL NOT SOLVE THE SHORTER RANGE INF IMBALANCE IN EUROPE;
- A 0 ACCORD COULD, HOWEVER, LEAD TO FURTHER 0

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~~CONFIDENTIAL~~ SECTION 02 OF 04 PARIS 14325

EXDIS

FOR THE SECRETARY AND ASSISTANT SECRETARIES RIDGWAY AND HOLMES FROM CHARGE BARRACLOUGH; SUGGEST DEPARTMENT PASS SECDEF AND NSC

E.O. 12356: DECL: OADR

TAGS: PREL, MNUC, NATO, FR

SUBJECT: THE CHIRAC VISIT AND INF

REF: A) PARIS 12655, B) PARIS 13154, C) PARIS 11830, D) PROPOSALS ON SHORTER RANGE SYSTEMS, PUTTING THE WEST ON THE SLIPPERY SLOPE TOWARDS DENUCLEARIZATION OF EUROPE, WHICH WOULD LEAVE THE WEST FACING CONVENTIONAL AND CHEMICAL IMBALANCES. (THIS IS ESPECIALLY WORRISOME IN VIEW OF TRENDS IN FRG AND ALLEGED U.S. ANXIOUSNESS FOR A DEAL.)

-- PRESSURES ARE SURE TO MOUNT TO TRY TO INCLUDE FRENCH NUCLEAR FORCES IN EAST-WEST NUCLEAR REDUCTIONS.

THE PREVAILING MOOD IS RESIGNATION THAT A 0 INF ACCORD IS IN THE CARDS, AND FEAR THAT THE ADMINISTRATION'S POLITICAL PROBLEMS PUT THE U.S. IN A WEAKENED POSITION TO NEGOTIATE A GOOD DEAL WITH GORBACHEV, A MORE CAPABLE SOVIET ADVERSARY.

5. CHIRAC ARGUES THAT OTHER WEST EUROPEANS SHARE HIS VIEWS BUT ARE CONSTRAINED BY DOMESTIC OR ALLIANCE

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## WHITE HOUSE SITUATION ROOM

PAGE 04 OF 08

POLITICS FROM SAYING SO. HE RECOGNIZES THAT THE FRENCH WOULD BE ISOLATED, AND CUT OFF FROM THE GERMANS, IF THEY OPPOSED AN INF ACCORD. FRANCE CAN NOT BE SEEN AS THE SOURCE OF ALLIANCE DISARRAY ON THIS QUESTION. BUT, THE PM IS UNDER SOME DOMESTIC POLITICAL PRESSURE FROM 0/0 CRITICS IN HIS COALITION (INCLUDING MOD GIRAUD) TO SEEM TO BE CARRYING THEIR MESSAGE TO THE AMERICANS. WHAT WILL CHIRAC WANT IN WASHINGTON>  
-----

6. THE PM'S STRATEGIC AFFAIRS ADVISER TOLD US THAT CHIRAC WILL TAKE "A FORWARD-LOOKING APPROACH," I.E. HE WILL EXPRESS HIS RESERVATIONS ON 0 INF BUT NOT FIGHT THE ISSUE FRONTALLY. WE BELIEVE HE WILL SEEK SOME OF THE FOLLOWING OUTCOMES.

7. AN EXTENDED PERIOD OF INF IMPLEMENTATION, WITH VERIFICATION MILESTONES: THIS IS A QUAI IDEA WHICH THEY FLOATED WITH SENIOR AMERICANS CONSULTING IN PARIS AFTER REYKJAVIK. CHIRAC MAY TRY AGAIN, BUT WILL NOT HOLD OUT MUCH HOPE BASED ON LACK OF EARLIER POSITIVE REACTION.

8. U.S. STATEMENT ON NUCLEAR DETERRENCE: FOREIGN MINISTER RAIMOND'S MAIN PITCH DURING PAUL NITZE'S CONSULTATIONS (REF 1) ON SDI/ABM WAS FOR A PUBLIC, SENIOR LEVEL U.S. STATEMENT THAT WE INTEND TO MAINTAIN NUCLEAR WEAPONS IN EUROPE REGARDLESS OF A 0 INF RESULT. CHIRAC IS LIKELY TO RETURN TO THIS. HE WOULD FIND PARTICULARLY VALUABLE LANGUAGE IN A JOINT COMMUNIQUE, SO HE COULD GAIN CREDIT. 11

9. EXCLUSION OF FRENCH NUCLEAR FORCE: THIS REMAINS A CORNERSTONE OF FRENCH POLICY AND STRATEGY. CHIRAC WOULD LIKE TO HAVE ANOTHER CLEAR EXPRESSION OF U.S. SUPPORT FOR EXCLUDING FRENCH FORCES. A PUBLIC STATEMENT WOULD BE IDEAL FOR CHIRAC THE POLITICIAN, BUT ON THIS POINT AND OTHERS HE WOULD ALSO BE HAPPY WITH PRIVATE COMMITMENTS.

10. SRINF: WHILE CONCERNED ABOUT THE CURRENT IMBALANCE, THE FRENCH WANT TO AVOID A 0 SRINF OPTION.

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## WHITE HOUSE SITUATION ROOM

PAGE 05 OF 08

THEY WOULD LIKE TO GET OUR AGREEMENT TO THAT AND TO CLEAR OBJECTIVES IN SRINF FOLLOW-ON WHICH WOULD AVOID THE PROSPECT OF DENUCLEARIZATION (REF E).

11. OTHER SIGNS OF U.S. PRESENCE: A CHIRAC ADVISER TOLD US THE PM WOULD SEEK A FIRM U.S. COMMITMENT NOT TO REDUCE U.S. FORCE PRESENCE IN EUROPE OR GIVE OTHER SIGNS OF MILITARY DISENGAGEMENT (SEPTTEL). HE SHOULD BE AWARE OF THE CONGRESSIONAL ROLE ON FORCE LEVELS, BUT CHIRAC MAY HOPE THAT ADMINISTRATION OFFICIALS WILL COMMIT TO THEIR BEST EFFORTS. (WITH THEIR NON-INTEGRATED NATO STATUS AND THEIR NUANCED REACTION RECENTLY TO HELPING US ON THE SPANISH BASES ISSUE, THE FRENCH WILL RECOGNIZE LIMITS ON HOW HARD THEY CAN PUSH.)

12. SUPPORT FOR WEU: CHIRAC HAS INVESTED POLITICALLY IN WEU REVITALIZATION, NOTABLY HIS DECEMBER 86 SPEECH CALLING FOR A SECURITY CHARTER. HIS STRATEGIC AFFAIRS ADVISER TOLD US THAT CHIRAC WILL RAISE THE WEU WITH SECSTATE AND SECDEF. ASKING U.S. SUPPORT FOR. OR AT BT

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~~CONFIDENTIAL~~ SECTION 03 OF 04 PARIS 14325  
EXDIS

FOR THE SECRETARY AND ASSISTANT SECRETARIES RIDGWAY AND HOLMES FROM CHARGE BARRACLOUGH; SUGGEST DEPARTMENT PASS SECDEF AND NSC

E.O. 12356: DECL: OADR

TAGS: PREL. NMUC, NATO, FR

SUBJECT: THE CHIRAC VISIT AND INF

REF: A) PARIS 12655, B) PARIS 13154, C) PARIS 11830, D)

LEAST, NON-OPPOSITION TO THE GOF EFFORT TO GET WEU APPROVAL OF HIS CHARTER. THIS SUBJECT COULD BE RAISED IN RELATION TO INF, WITH THE CHARTER ADVOCATED AS AN ANTIDOTE TO NEUTRALIST/PACIFIST TRENDS AMONG OUR

EUROPEAN ALLIES. (SEPTTEL REPORTS THAT GERMANS ARE NOT

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## WHITE HOUSE SITUATION ROOM

PAGE 06 OF 08

ENTHUSIASTIC ABOUT THE SECURITY CHARTER IN CURRENT FORM.)  
RESPONDING TO CHIRAC--MAXIMIZING U.S. INTERESTS  
-----

13. THIS VISIT GIVES US A CHANCE TO CLARIFY OUR APPROACH ON INF AND EAST-WEST RELATIONS, TO REASSURE HIM ON OUR COMMITMENT TO EUROPE, TO MAKE SOME JOINT STATEMENTS WHICH COULD HELP BOTH SIDES, AND TO NEGOTIATE SOME QUID PRO QUOS.

14. WE ARE NOT PERSUADED THAT CHIRAC FULLY UNDERSTANDS THE INF ISSUE. HIS MEETING WITH THE SECRETARY IS AN IMPORTANT OPPORTUNITY TO EXPLAIN THE U.S. POSITION CLEARLY AND TO REITERATE WHY WE BELIEVE AN ACCORD WILL BE IN WESTERN POLITICAL AND MILITARY INTERESTS.

15. IN DISCUSSING INF WE RECOMMEND A THOROUGH AIRING OF THE POLITICAL AND MILITARY DIMENSIONS OF COUPLING, AND THE RISKS INHERENT IN DECLARING THAT INF IS DECOUPLING. IN ADDITION TO REASSURING CHIRAC, WE SEE SOME MERIT IN PURSUING THE FRENCH IDEA OF A U.S. REAFFIRMATION OF OUR RELIANCE ON NUCLEAR DETERRENCE IN FACE OF SOVIET CONVENTIONAL ADVANTAGES IN EUROPE.

16. SIMILARLY, WE THINK IT WOULD BE USEFUL, IN FRANCE AND ELSEWHERE IN EUROPE, FOR WASHINGTON TO EMPHASIZE HOW AN INF ACCORD SHOULD LEAD TO DEEP REDUCTIONS IN STRATEGIC ARSENALS. THIS WOULD HELP POINT AWAY FROM EUROPE AS A SPECIAL ZONE FOR NUCLEAR REDUCTIONS. THE FRENCH COULD HELP APPLY USEFUL PRESSURE ON THE SOVIETS TO MOVE IN THE START BASKET AT GENEVA.

17. ON THE TROOP WITHDRAWAL AND U.S. PRESENCE ISSUE, WE THINK IT WOULD HELP TO DISCUSS WITH CHIRAC HOW THOSE PROSPECTS ARE AFFECTED BY CONGRESSIONAL AND PUBLIC PERCEPTIONS. THIS IS AN OPPORTUNITY TO PRAISE CHIRAC FOR PUSHING PROJECTED FOUR PERCENT REAL DEFENSE BUDGET GROWTH OVER THE NEXT 5 YEARS. WE MIGHT ALSO REMIND HIM THAT PUBLIC AND HILL PERCEPTIONS OF FRANCE AS A DIFFICULT ALLY (E.G., OVERFLIGHT ISSUE, RECENT TRADE DISPUTES, QUALIFIED SUPPORT FOR NATO) AFFECT THE

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## WHITE HOUSE SITUATION ROOM

PAGE 07 OF 08

POLITICAL CLIMATE AND CAN INFLUENCE OUTCOMES.

QUID PRO QUOS

18. IN REACTING TO CHIRAC EFFORTS TO ACHIEVE HIS OBJECTIVES WE WILL BE IN A GOOD POSITION TO ASK IN RETURN THAT:

-- CHIRAC CONTINUE EFFORTS TO DEAL WITH STRATEGIC RESERVATIONS ON INF AND OTHER EAST-WEST ISSUES IN PRIVATE RATHER THAN PUBLIC. THE COMMOTION HERE OVER INF HAS NOT ADVANCED THE U.S. IMAGE IN FRANCE, NOR DOES IT DISSUADE THE SOVIETS FROM WEDGE-DRIVING.

-- THE FRENCH SHOULD PORTRAY THEIR EFFORTS TO PROMOTE STRONG, REALISTIC EUROPEAN SECURITY POLICIES IN THE WEU, EEC AND ELSEWHERE AS WORTHY IN THEIR OWN RIGHT, NOT AS A REACTION TO ALLEGED U.S. INCONSTANCY OR ABANDONMENT.

-- LIKEWISE, "FORWARD LOOKING" FRENCH ENERGIES COULD BE DEVOTED TO DIPLOMATIC WORK WITH THE GERMANS ON INF/SRINF ISSUES OR, FOR EXAMPLE, ON THE SPANISH BASES ISSUE, WHICH RELATES TO TRANSATLANTIC COUPLING. LIKEWISE, THE FRENCH COULD DIRECT PUBLIC PRESSURE AT THE SOVIETS TO REDUCE THEIR SHORT RANGE INF ADVANTAGE, INCLUDING BUT NOT LIMITED TO "COUNTER DEPLOYMENT" SS 12/22'S AND 23S.

-- ON THE WEU WE WILL HAVE A GOOD OPPORTUNITY TO MAKE

CLEAR TO THE FRENCH THE LIMITS OF OUR SUPPORT. WE CAN SEEK FRENCH ACKNOWLEDGMENT OF GROUND RULES ON HOW WEU CAN HELP STIMULATE EUROPEAN DEFENSE EFFORTS WITHOUT

BT

#4325

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~~CONFIDENTIAL~~ SECTION 04 OF 04 PARIS 14325

EXDIS

FOR THE SECRETARY AND ASSISTANT SECRETARIES RIDGWAY AND HOLMES FROM CHARGE BARRACLOUGH; SUGGEST DEPARTMENT PASS SECDEF AND NSC

E.O. 12356: DECL: OADR

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## WHITE HOUSE SITUATION ROOM

PAGE 08 OF 08

TAGS: PREL, MNUC, NATO, FR

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STEPPING ON U.S. OR NATO TOES. BARRACLOUGH

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94999

THE WHITE HOUSE

WASHINGTON

February 29, 1988

MEMORANDUM FOR HOWARD H. BAKER, JR. ✓  
COLIN L. POWELL

FROM: RHETT B. DAWSON *M*

SUBJECT: Meeting with Senator Tower

Pam Turner and I met with John Tower on Friday, 02/26, to stay in touch with him on INF.

Tower volunteered that after conversations with various senators, particularly at Wehrkunde, he had serious concern about growing perceptions of links between START negotiations and the INF treaty. Tower feels most opposition by Republicans runs more to START than INF and that many Democrats are in no hurry to give the President a political victory. This combination of resisting forces, Tower said, sets the stage for possible delay and could greatly affect Senate approval of the INF Treaty.

He is specifically concerned that the Administration not set a timetable for closing START. Tower believes that the continued perception that the Administration has any timetable on START (even the end of the term) could lead to a delay of INF approval by the Senate.

Tower mentioned that you both will be at the March 9th PFIAB meeting (at which he will be late, arriving at noon). He wanted you to know that he expects the Board will harbor great skepticism about our ability to verify START. PFIAB, Tower said, is a sophisticated group on these matters and may pose sharp questions, specifically on new intelligence systems needed for arms control monitoring.

cc: Ken Duberstein  
Will Ball  
Alan Kranowitz  
Pam Turner

~~SECRET~~

Declassify: OADR

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MDA-301 # 94999

BY

RW

NARA DATE


5/2/11

UNCLASSIFIED WITH  
CONFIDENTIAL ATTACHMENT

THE WHITE HOUSE

WASHINGTON

January 5, 1988

MEMORANDUM FOR: HOWARD H. BAKER  
FROM: RHETT B. DAWSON   
SUBJECT: INF Ratification Group

John Negroponte and I met today with the INF Group. Max Kampelman along with representatives from CIA, JCS, ACDA and DoD attended. We reviewed the attached assumptions for a "gameplan" (Bob Linhard prepared) which were agreed to by all.

Bob also prepared and everyone approved a more detailed, six and one-half page "gameplan" which I'll send Thursday morning. We will meet with you Thursday at 3:00 p.m. to review the progress.

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95001

December 31, 1987

INF RATIFICATION GAMEPLAN -- 4-26 JANUARY

Purpose. To finalize a specific plan for activities during January, 1988, in support of the submission of the INF Treaty by the President to the Senate for its advice and consent.

Assumptions. The assumptions listed below drive the detailed plan.

- a. The INF Treaty Submission Package will include the following items:
  1. a cover letter from the President;
  2. the INF Treaty; and,
  3. the Secretary of State's report to the President on the Treaty.
- b. The INF Treaty Submission Package will be forwarded to the Senate on Monday, January 25th.
- c. The INF Treaty Text is already available to the Senate. The final text of the Secretary of State's report will be provided to the Senate leadership informally by Friday, January 15.
- d. The INF Treaty Negotiating Record Package will include:
  1. memoranda of all conversations between US and Soviet delegations involving the INF Treaty;
  2. copies of all papers handed over between these delegations;
  3. portions of memoranda kept on Ministerial meetings which contain discussions/negotiations on the INF Treaty; and,
  4. copies of all papers on INF exchanged at Ministerial meetings.
- e. The INF Treaty Negotiating Record Package will not include:
  1. internal USG documents or papers;
  2. the internal USG instructions for the INF negotiations; or,
  3. written diplomatic exchanges between the USG and its Allies on the INF Treaty.
- f. The INF Treaty Negotiating Record Package will be forwarded to the Senate separately on Monday, January 25th.
- g. The Byrd/Quayle Report prepared by the Department of Defense will be forwarded to the Congress separately on Monday, January 25th.
- h. The Response to NSDD 284 prepared by the Department of Defense will not be forwarded to the Congress.
- i. The Administration will submit a Unified Supplemental Monitoring Budget Request, covering cost for the OSI Monitoring Bureau and related activities, to the Congress separately on Monday, January 25th.
- j. The Administration will respond to all Congressional correspondence containing questions about the INF Treaty received by Friday, January 15th, no later than Monday, January 25th.

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Sec.3.4(b), E.O. 12958, as amended  
White House Guidelines, Sept. 11, 2006  
BY NARA 11, DATE 7/27/10



THE WHITE HOUSE  
WASHINGTON

2/5/88

To: Colin Powell

From: Howard Baker

Do I have to do anything else  
about this?

HHB,  
No. OBE.



THE WHITE HOUSE  
WASHINGTONACTIONMEMORANDUM FOR THE CHIEF OF STAFF  
COLIN L. POWELLFROM: RHETT DAWSON  
JOHN D. NEGROPOLTE

SUBJECT: INF: Shultz-Byrd Side Letter

We have reached a delicate moment in the handling of the proposed letter from the Secretary of State to the Senate Majority leader regarding access to the INF Treaty negotiating record and the constitutional authority of the President with respect to treaty interpretation. We have worked with the State Department to agree on a letter that addresses both categories of questions (Tab I). Ambassador Kampelman has discussed the letter with Democratic and Republican Senators and staff. In the course of such discussions, it has become clear that Republicans are uncomfortable with the idea of such a letter, that Senator Byrd cares most strongly about access, and that Senator Nunn cares strongly about achieving a resolution of constitutional questions that affirms his view of the matter. The Secretary of Defense also is concerned by the letter, particularly what he sees as its insinuation that his testimony is not authoritative unless the Administration so states.

While negotiations on the constitutional issues surrounding treaty interpretation so far have not resulted in agreement, we and the Senate leadership are close to final agreement on terms governing Senate access (the documents at issue; their return to the State Department; who may have access; and other practical details). Now, Ambassador Kampelman reports that Secretary Shultz will meet with the Democratic leaders of the three committees and Senator Byrd to resolve the constitutional disagreement.

We are concerned that, already, there has been too little bipartisan discussion of the proposed letter and that the Secretary of State will continue the pattern of negotiating first and foremost with Democrats by meeting with the three chairmen and the Majority Leader on the constitutional issues. We therefore recommend that

you both meet with Secretary Shultz and Secretary Carlucci this evening and seek their agreement on how to proceed. We believe a desirable tack for the moment would treat the merits of the letter as subsidiary to keeping the access and constitutional questions separate. Second, you should seek the agreement of the Secretary of State on how best to bring the Republican leaders of the three committees and the Minority Leader into discussions with Democratic Senators on the constitutional issues.

RECOMMENDATION

That you meet with the Secretaries of State and Defense this evening and discuss the side letter to Senator Byrd using the lines suggested above.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

Attachment

Tab I      Draft Shultz-Byrd Letter



INF  
(SCG)

Dear Senator \_\_\_\_\_:

I am writing in response to letters by yourself and Senators \_\_\_\_\_ concerning the question of access by the Senate to the negotiating record for the INF Treaty. I am gratified that we have now reached a common understanding on the way in which the Senate and the Administration will proceed, as a matter of mutual cooperation and comity, in dealing with any questions that may arise between us concerning the interpretation of the Treaty.

I believe that the INF Treaty text is a clear and accurate statement of the obligations of the United States and the Soviet Union. In accordance with international and domestic law, we should, of course, look first to that text to resolve any questions about the meaning of these obligations. But I also recognize that the Senate, in the discharge of its important institutional role with respect to advice and consent to the ratification of treaties, may seek further explanation of the Treaty's terms, or may wish to review the INF negotiating record itself. Therefore, to provide mutually satisfactory groundrules for such a process, it is my understanding that the Senate and the Administration have agreed on a series of procedures and principles that are reflected in this letter. (These groundrules are, of course, separate from the Treaty mechanism for changes in the text.)

Let me assure you at the outset that this Administration has no intention of subscribing to an interpretation of the Treaty different from that which we will present during the ratification process. A meaning for the Treaty different from that presented by this Administration to the Senate will not be adopted by this Administration without the approval of the Senate. Where issues of treaty interpretation arise, before or after ratification, we have agreed that the Administration and the Senate will work together in good faith to resolve such questions in a manner that, consistent with the Constitution and with due regard for applicable international law, maximizes the interests of the United States.

In this spirit, the Administration assures the Senate that it agrees with the following:

-- The testimony of all Executive Branch witnesses and any submissions for the hearing record by the Executive Branch on the INF Treaty will be authoritative and the Senate can rely on them unless indicated otherwise prior to final Senate vote on the Treaty.

-- The meaning of the Treaty as presented to the Senate will be regarded by the Administration as authoritative without the necessity of the Senate's incorporating that testimony and material in its Resolution of Ratification through understandings, reservations, amendments, or other conditions.

(Approved by  
SLG 1/19/88)

as held by an aide

*report* ~~We are prepared to provide~~ the analysis requested by Senator Pell of all obligations undertaken by each party to the Treaty. We are also prepared, if requested, to provide access to records of the negotiations with the Soviets on the INF Treaty conducted in the Nuclear and Space Talks (NST) in Geneva and during ministerial and summit meetings (e.g., all Joint Draft Texts, U.S. and Soviet prepared texts exchanged at plenary meetings and other working meetings, and all other documents exchanged between the parties), but not internal Executive Branch deliberative material that has not been provided to the Soviet Union because such material will not be used to support a meaning for the treaty different from that presented by the Administration to the Senate. The Senate and the Administration will agree on procedures for access, custody, and storage appropriate to the classification of these documents.

We will likewise be prepared to respond to further questions by the Senate as to the content and effect of the INF negotiating record on particular issues of special interest. Our responses will give a full, comprehensive, and authoritative account of the content of the negotiating record on the matters in question.

I believe that the understanding reflected by the above will make it possible for the Senate to proceed expeditiously with its consideration of the INF Treaty with the assurance that its institutional concerns are accommodated in a manner consistent with international and domestic law. I understand that the leadership of the three Committees are in agreement with this understanding. I hope that we will be able to resolve any other questions that may arise in this process with the same spirit of cooperation and mutual accommodation.

*Chairman*

Sincerely,

George Shultz



THE WHITE HOUSE  
WASHINGTON

Date: 1/11/88

**TO:** SENATOR HOWARD H. BAKER, JR.

**FROM:** ARTHUR B. CULVAHOUSE, JR.  
Counsel to the President

FYI: X

COMMENT: \_\_\_\_\_

ACTION: \_\_\_\_\_



~~CONFIDENTIAL~~

0138

January 11, 1988

~~CONFIDENTIAL~~ACTIONMEMORANDUM FOR THE CHIEF OF STAFF  
COLIN L. POWELLFROM: ARTHUR B. CULVAHOUSE, JR. *ABC by AP.*  
NICHOLAS ROSTOW *NR.*

SUBJECT: State/Senate Accord on INF Treaty Ratification

Max Kampelman's proposed accord with the Senate (Tab A) on the INF Treaty ratification procedures and negotiation record raises serious problems. The problems are such that we believe you should together seek substantial revisions of its substance and tone, even at the cost of some likely irritation on the part of the Senators who otherwise support ratification -- and on the part of the Secretary of State.

We understand that Ambassador Kampelman, acting with the authority of the Secretary of State, negotiated with Senators Byrd, Pell, Nunn, and Boren (mainly through Senator Nunn's aide, Robert Bell) to resolve Senate concerns about treaty interpretation and access to the INF Treaty negotiating record. The proposed agreement was submitted to the White House and Senators on Thursday for comment. We understand that Ambassador Kampelman expects to finalize the agreement Monday afternoon.

We believe the draft is flawed, and warrants changes of tone and, in important respects, substance. At the same time, we accept that certain key Senate concerns must be met in much the way the draft proposes. While the present text was agreed subject to White House approval, we recognize that adopting our recommendation may mean serious and continuing contention.

In our view, the draft should not be accepted as it stands for three reasons. First is the constitutional issue. Every President beginning with George Washington has regarded Executive branch control over diplomatic and deliberative records relating to treaty negotiations as fundamental to the separation of powers. To avoid political problems with ratification, every President since Woodrow Wilson has made efforts to include Congress in the negotiating process through close consultation -- this President more than most. In

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BY RW NARA DATE 2/2/12

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demanding additional involvement here, the Senate relies on the so-called ABM "reinterpretation" debate. In our view, that debate is not a controlling precedent. Access was provided to part of the ABM Treaty record, some 15 years after ratification, only because a particular and important issue had arisen in which the interpretation of an ambiguous provision was based on the negotiating record; it is no precedent for a blanket right of Senate access to every negotiating record. The President should not concede that it is by accepting the proposed State/Senate accord (the "Proposed Accord") as presently worded.

A second major problem is a practical political one. The Proposed Accord likely will open the door to mischief-making during the INF ratification debate. It also likely will become a precedent for any START ratification process, and the use and abuse of this access could well disrupt the START negotiations themselves. Every faction in the Senate will search the record for ammunition to derail or complicate this -- and future -- arms control efforts. We also note that Ambassador Kampelman has not discussed his effort with conservative Senators, several of whom have written Secretary Shultz demanding access to the INF record for their own reasons (Tab B). We also understand other conservative Senators have demanded access to internal Executive branch deliberations (i.e., negotiating instructions).

Third, and perhaps most important, is a problem with respect to future implementation of the INF Treaty. The Proposed Accord requires Senate "approval" of any new Executive branch interpretation of this Treaty once ratified. Yet, as we all know, any treaty, especially one as complex as this and with so many untried verification and other procedures, inevitably will generate new issues and perhaps disputes with the Soviets over its implementation. These will be dealt with as they come up, on a regular basis, through diplomatic channels. Necessarily they will involve issues of treaty interpretation. Each and every such issue should not be a matter of a Senate vote without which the Executive cannot negotiate a solution with the Soviets. It is unprecedented and inconceivable for the President to grant co-equal status to the Senate with respect to what is, by literal definition, an Executive function relating to execution of a ratified treaty.

We expect the Secretary of State and other senior State Department officials to support the Proposed Accord as a necessary compromise given what they see as the political situation in the Senate. Nevertheless, for the reasons stated, we believe a major presidential interest is at stake, and the matter cannot be regarded as closed.

At Tab C is an analysis of the Proposed Accord, pointing out its major problems.

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- 3 -

At Tab D is a redraft of the Proposed Accord as we (NSC staff and Counsel to the President) strongly believe is a more appropriate compromise -- offering the Senate good-faith assurance that it can rely on Administration testimony as authoritative, and offering access to, but not possession of, the negotiating record in order to preserve the principle of Executive branch control over the past record and future implementation and to limit the potential for political mischief.

At Tab E is an alternative revision of the Proposed Accord, making textual additions and changes (rather than a thorough rewrite) in order to try achieve many of the same purposes as Tab D and thus limit the damage, if keeping much of the Proposed Accord's language is thought to be the best we can do.

RECOMMENDATION

That you take appropriate steps to obtain changes in the Proposed Accord along the lines of Tab D or Tab E.

1. Tab D:      Approve \_\_\_\_\_ Disapprove \_\_\_\_\_
2. Tab E:      Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Attachments

Tab A - Proposed Accord as forwarded by State  
Tab B - Letter from Senator Wilson et al.  
Tab C - Comments on Proposed Accord  
Tab D - Alternative text of Proposed Accord  
Tab E - Proposed revisions of Proposed Accord

cc: Will Ball  
Rhett Dawson  
John D. Negroponte  
Alison Fortier

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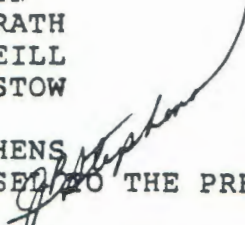


due: Friday 11/  
1/8

THE WHITE HOUSE  
WASHINGTON

January 7, 1988

MEMORANDUM FOR KATHLEEN BUCK  
RICHARD DEBOBES  
JOHN MCGINNIS  
C. DEAN McGRATH  
JOHN H. McNEILL  
NICHOLAS ROSTOW

FROM: JAY B. STEPHENS   
DEPUTY COUNSEL TO THE PRESIDENT

RE: INF Treaty Ratification

The attached paper provided by the Department of State sets out the principles tabled by Ambassador Kampelman in his discussion with Senate leadership regarding the INF negotiating record. Pages one and two of this paper have in fact been tabled; page three which includes alternative language has not been tabled.

In view of our discussion yesterday, Ambassador Kampelman would like us to clear the attached language which he expects to provide the basis of our agreement with the Senate on this matter.

Please provide your comments to me or Dean McGrath by 11:00 a.m. Friday if at all possible.

Attachment

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### Role of the Senate in INF Treaty Ratification

-- Where issues of treaty interpretation arise after ratification, the President and the Senate must work together in good faith to resolve such questions in a manner that, consistent with the Constitution and with due regard for applicable international law, maximizes the interests of the United States.

-- In this spirit, the Administration will assure the Senate that it agrees with the following three principles regarding the Senate's institutional role:

-- The testimony of all Executive Branch witnesses and any submissions for the hearing record by the Executive Branch on the INF Treaty will be authoritative and the Senate can rely on them unless indicated otherwise prior to final Senate vote on the Treaty.

-- The meaning of the Treaty as presented to the Senate will be regarded by the Administration as authoritative without the necessity of the Senate incorporating that testimony and material in its Resolution of Ratification through understandings, reservations, amendments, or other conditions.

-- A meaning for the Treaty different from that presented by the Administration to the Senate will not be adopted [by the Administration\*] without the approval of the Senate.

-- We are prepared to provide the analysis requested by Senator Pell of all obligations undertaken by each party to the Treaty and related documents. We are also prepared, if requested, to provide [access to\*] the documents relied upon to support that analysis. These documents would include records of the negotiations with the Soviets on the INF Treaty conducted in the Nuclear and Space Talks (NST) in Geneva and during ministerial and summit meetings (e.g., all Joint Draft Texts, U.S. and Soviet prepared texts exchanged at plenary meetings and other working meetings, and all other documents exchanged between the parties), but would not include internal Executive Branch material that has not been provided to the Soviet Union because such material cannot be used to adopt a meaning for the treaty different from that presented by the Administration to the Senate. The Senate, in [close cooperation\*\*/agreement\*] with the Administration, will develop procedures for access, custody, and storage appropriate to the classification of these documents.

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-- We will likewise be prepared to respond to further questions by the Senate as to the content and effect of the INF negotiating record on particular issues of special interest. Our responses will give a full, comprehensive, and authoritative account of the content of the negotiating record on the matters in question.

---

\* Administration proposal.

\*\* Senate proposal.

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Alternatives:

Instead of "will not be adopted by the Administration" in the fifth paragraph, revise the second paragraph as follows:

-- In this spirit, the Administration will assure the Senate that it will take no action inconsistent with the following three principles regarding the Senate's institutional role:

Instead of "in agreement with the Administration" in the last sentence of the penultimate paragraph, delete the sentence and add the following paragraph:

-- The documents will be held in \_\_\_\_\_ in the Capitol. No xeroxing of the documents will be permitted, nor will the documents be removed. (Following final Senate vote on the Treaty, the documents will be transferred to appropriate secure facilities in the National Archives.) The documents would be available to Senate Members and to [eight] cleared professional Senate staff members, one each to be designated by the Majority and Minority Leaders and the Chairman and Ranking Minority Members of the Foreign Relations, Armed Services and Intelligence Committees. Administrative personnel from the Senate and the Administration with appropriate clearances may be present to cooperate in ensuring that these procedures are carried out. These arrangements will not be altered unilaterally by either the Administration or the Senate.

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# United States Senate

WASHINGTON, DC 20510

STAFF

December 16, 1987

The Honorable George Shultz  
Secretary  
Department of State  
Washington, D.C. 20520

Dear Mr. Secretary:

Within several weeks, the Senate will begin consideration of the ratification of the Intermediate Range Nuclear Force Treaty signed last week at the Washington Summit.

We know that you support a full and thorough review of the treaty, its provisions and the impact of this accord on U.S. and allied security as part of the ratification process.

As part of that review and mindful of the recent consideration the Senate has given to the ABM Treaty, we respectfully request your assistance in obtaining the negotiating record of the INF Treaty for the use of the Senate during the ratification process.

We make this request with the utmost respect for and confidence in our negotiators and in no way wish our request to be interpreted as second guessing our U.S. team. They have served our President and our nation with distinction.

We are, however, concerned that such a lengthy and detailed treaty as the INF might include contradictory or ambiguous provisions, especially with regard to future or related technologies other than those directly proscribed by the treaty. As you know, the only legally binding resolution of such textual ambiguities is to be found in the negotiating record itself.

It would be truly ironic if, after having made the compelling case for the legally correct interpretation of the ABM Treaty, we neglect this important history and gloss over critical differences that may exist in the INF accord.

We are as well determined to establish a clear precedent to bind future administrations which may employ negotiators in whom we are unable to place the same confidence as we enjoy with the current U.S. team in Geneva.

We contemplate an arrangement similar to that employed by the State Department in affording members of the Senate and selected Senate staff members access to the ABM Treaty negotiating record in the Senate secure room, S-407.

The Honorable George P. Shultz  
December 16, 1987  
Page Two

We look forward to working with you through the  
ratification process and pledge to you a full and fair hearing  
on the treaty and the important precedents it sets.

Sincerely,

Don Gandy

Les Conrad

William B. Kelly

Steve Symms

Phil Thorne

James A. McClure

Mike DeLoach

Richard Shelby

Paul Wilson

Don Nickles

Larry Pressler

Frank Lautenberg

John McClellan

James H. East

Paul Holloman

Dennis DeConcini

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COMMENTS ON THE PROPOSED ACCORD

The proposed revisions of the Proposed Accord are designed to solve the problems highlighted in the following discussion.

The Proposed Accord is a major constitutional change, although in part arguably justified under the Constituion, and an invitation to political mischief-making in three important respects. Our difficulties are reflected in the tone and substance of the document.

The Proposed Accord raises an important constitutional question by using terms such as "principles" and "the Senate's institutional role" in connection with provisions regarding interpretation and negotiating documents.

Article II, section 2, of the Constitution provides that the President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties . . ." Since Washington's time, this provision has been applied to mean that the President negotiates a treaty, which only takes effect after two-thirds of the Senate subsequently gives its advice and consent, and the President exchanges instruments of ratification with the other treaty party or parties. Thus, the President has preserved exclusive responsibility for negotiation. After World War I and the Versailles Treaty/League of Nations Covenant debacle, Presidents, as a matter of political prudence, have closely consulted with Senators during treaty negotiations; some, such as President Reagan, have encouraged the Senate to send observers to specific negotiations and have regularly briefed Senators on the course of negotiations. But, since President Washington's time, negotiating records typically were not supplied to the Senate in connection with its vote on a treaty. Sometimes, however, summaries of negotiations were provided to answer questions raised. This practice reflected the fact that, as a matter of domestic and international law, a treaty's text is decisive as to what a treaty means. Only when interpretive disputes arise that can not be resolved by recourse to the text is the negotiating record and other evidence of the parties' intentions examined. Thus, in the case of the debate about the application of the ABM Treaty to future systems and components, relevant negotiating and other records were examined and ultimately provided to the Senate. The entire record was not provided.

The Proposed Accord confuses this clear constitutional scheme by offering negotiating documents en masse by suggesting a Senate right to them -- particularly in the document's discussion of the logistics associated with providing Senate access. By conveying the documents to the Senate, for example,

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we would concede co-equal or virtually co-equal status in making treaties, and invite the Senate's institutional participation in their negotiation.

Specifically, the Proposed Accord's references to "principles" and "the Senate's institutional role" invites the Senate to assert that, as a matter of constitutional law rather than political practice, it has a right to active participation in negotiations -- in making a treaty -- no President or court or other constitutional authority ever has recognized. In present circumstances, different Senators with different political agendas may be expected to exploit the Proposed Accord to try to bring START concerns into the process of ratifying the INF Treaty.

These concerns could perhaps be addressed by adding preambular language that places the issue in proper perspective (Tabs D and E).

In addition to this constitutional problem, the Proposed Accord raises a number of practical concerns. As an example, one may note that the Accord's use of "authoritative" suggests that other statements are not authoritative; suggests that Administration statements presumptively are inaccurate; and concedes what is counter-intuitive, namely, that the Senate will vote based on what the Administration says.

A second constitutional issue concerns the Proposed Accord's handling of the interpretation issue. The Supreme Court has long recognized the Executive's responsibility for treaty interpretation. It could hardly do otherwise. In countless daily negotiations, Presidents and their agents interpret and reinterpret treaties. In the case of the hyper-technical INF Treaty, we can anticipate (as the Treaty itself does) problems in application that the parties will have to resolve. The Kampelman document arguably would make such practical solutions to presently unforeseeable problems impossible without Senate approval. Such a concession is of wide-reaching significance.

Taken together, these and other troubling aspects of the document (some being important but less difficult to resolve by textual tweaking) invite political difficulties that likely will spill over into the negotiation and later Senate consideration of a START agreement. Already, well known Senate positions on such issues as ABM Treaty interpretation are being played to by the Soviets. The Proposed Accord threatens to exacerbate this trend.

We see no way to avoid granting access to the negotiating record. In the best of worlds, that access would be at the State Department. Recognizing that it may be too late to achieve such a result, we believe it is important to ensure that access is granted to Senators and limited staff only, and that the documents are returned to the Executive branch when

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the Senate votes on the Treaty.



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ALTERNATIVE TEXT FOR PROPOSED ACCORD

As with all treaties and as a matter of domestic and international law, the text of the INF Treaty is the first and foremost source for resolving disputes between the United States and the Soviet Union over its meaning. The Administration believes that the text of the INF Treaty is unambiguous and fully and accurately sets forth the agreement reached between the United States and the Soviet Union. We understand that the Senate, in the discharge of its important constitutional responsibility with respect to advice and consent to ratification, may seek further explanation of the Treaty's terms. The Administration agrees to assist the Senate in performing its role, as follows.

1. In order to assure the Senate that the INF Treaty accurately reflects the entirety of the agreements between the United States and the Soviet Union, we are prepared to provide access to the records of the Geneva Nuclear and Space Talks exchanges with the Soviets on the INF Treaty (all memoranda of conversations between American and Soviet representatives on the INF Treaty since January 1985, Joint Draft Texts, U.S.- and Soviet-prepared texts exchanged at plenary meetings and other working meetings, and all other documents exchanged between the parties) to resolve perceived ambiguities in the text of the INF Treaty.

2. Access for Senators and limited staff will be provided pursuant to agreement with the Senate that respects the sensitivity and classification of the documents and ensures their return to the Executive branch when the Senate has voted on the Treaty.

3. Administration witnesses will testify on the INF Treaty to clarify what the United States and the Soviet Union have agreed. Such testimony and any submissions for the record accurately will reflect the INF Treaty with the Soviets, and, unless indicated otherwise prior to final Senate vote, the Senate may rely on such testimony and submissions in voting on its resolution of advice and consent to ratification. The Senate thus will not need to incorporate into its resolution such testimony and material through understandings, reservations, amendments, or other conditions.

4. The Administration likewise is prepared to respond to questions by the Senate as to the content and effect of the INF negotiating record on particular issues of special interest. Administration responses will give a full, comprehensive, and authoritative account of the content of the negotiating record on the matters in question. And, consistent with the foregoing, the INF Treaty negotiating record may be reviewed so that Senators can assure themselves of the accuracy of Administration statements.

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Should significant issues of treaty interpretation arise after ratification of this Treaty, President Reagan pledges to work with the Senate to resolve such questions in a manner that, consistent with the Constitution and with due regard for applicable international law, maximizes the interests of the United States. This Administration has no intention of subscribing to an interpretation of the Treaty different from that presented during the ratification process. If a new interpretation on any issue should be contemplated in the future, it will not be adopted by this Administration without the approval of the Senate. This commitment does not apply to interpretations about the application of the Treaty that involve technical matters for which the Treaty explicitly provides a mechanism through which the United States and the Soviet Union may reach agreement without thereby amending the Treaty.

This document reflects an understanding with respect to the present INF Treaty.

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PROPOSED REVISIONS OF PROPOSED ACCORD

Proposed changes are underlined. Language we recommend deleting without replacement is enclosed in square brackets.

We recommend the addition of a preamble, substantially in the form of the following:

As with all treaties and as a matter of domestic and international law, the text of the INF Treaty is the first and foremost source for resolving disputes between the United States and the Soviet Union over its meaning. The Administration believes that the text of the INF Treaty is unambiguous and fully and accurately sets forth the agreement reached between the United States and the Soviet Union. We understand that the Senate, in the discharge of its important constitutional responsibility with respect to advice and consent to ratification, may seek further explanation of the Treaty's terms. The Administration agrees to assist the Senate in performing its role, as follows.

-- Should significant issues of treaty interpretation arise after ratification of the Treaty, the President and the Senate will work together in good faith to resolve such questions in a manner that, consistent with the Constitution and with due regard for applicable international law, maximizes the interests of the United States.

-- In this spirit, the Administration assures the Senate that: [it agrees with the following three principles regarding the Senate's institutional role:]

-- The testimony of all Executive Branch witnesses and any submissions for the hearing record by the Executive branch on the INF Treaty will authoritatively reflect and clarify the entirety of the agreements between the United States and the Soviet Union contained in the INF Treaty, and the Senate can rely on them unless indicated otherwise prior to final Senate vote [on the Treaty].

-- The meaning of the Treaty as presented to the Senate will be regarded by the Administration as authoritative without the necessity of the Senate's incorporating that testimony and material in its Resolution of Ratification through understandings, reservations, amendments, or other conditions.

-- This Administration has no intention of subscribing to an interpretation of the Treaty different from that presented during the ratification process. If a new interpretation on any issue should be contemplated in the future, it will not be adopted by this Administration without

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- 2 -

the approval of the Senate. This commitment does not apply to interpretations about the application of the Treaty that involve technical matters for which the Treaty explicitly provides a mechanism through which the United States and the Soviet Union may reach agreement without thereby amending the Treaty.

-- We are prepared to provide the analysis requested by Senator Pell of all obligations undertaken by each party to the Treaty and related documents. We are also prepared, if requested, to provide access to the documents relied upon to support that analysis. These documents would include records of the negotiations with the Soviets on the INF Treaty conducted in the Nuclear and Space Talks (NST) in Geneva and during ministerial and summit meetings (e.g., all Joint Draft Texts, U.S. and Soviet prepared texts exchanged at plenary meetings and other working meetings, and all other documents exchanged between the parties). [ , but would not include internal Executive Branch material that has not been provided to the Soviet Union because such material cannot be used to adopt a meaning for the Treaty different from that presented by the Administration to the Senate. The Senate, in [close cooperation\*\*/agreement\*] with the Administration, will develop procedures for access, custody, and storage appropriate to the classification of these documents.] {We believe it is important to retain custody of the documents while providing convenient access to the Senate.}

-- Access for Senators and limited staff will be provided pursuant to agreement with the Senate that respects the sensitivity and classification of the documents and ensures their return to the Executive branch when the Senate has voted on the Treaty.

-- We will likewise be prepared to respond to further questions by the Senate as to the content and effect of the INF negotiating record on particular issues of special interest. Our responses will give a full, comprehensive, and authoritative account of the content of the negotiating record on the matters in question. And, consistent with the foregoing, the Senate may review the INF Treaty negotiating record to assure itself of the accuracy of Administration statements.

This document reflects an understanding with respect to the present INF Treaty.

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